

## CHAPTER XIII—BOARD FOR INTERNATIONAL BROADCASTING

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## PART 1300—RULES OF PROCEDURE

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AUTHORITY: Pub. L. 93-129, as amended; 22 U.S.C. 2873 (a) (10).

SOURCE: 54 FR 18886, May 3, 1989, unless otherwise noted.

### § 1300.1 Purpose.

(a) These regulations are adopted by the Board for International Broadcasting (BIB) pursuant to authority granted to it by Pub. L. 93-129, 87 Stat. 456, approved October 19, 1973; 22 U.S.C. 2873 et seq., as amended. Grant funds shall be transferred to Radio Free Europe/Radio Liberty, Inc. (RFE/RL, Inc.) only on condition of compliance with the pertinent parts of these regulations. Exceptions to this condition may be made by the BIB.

(b) These regulations are based on the statutory mandate of the BIB:

(1) To make grants to RFE/RL, Inc.;

(2) To review and evaluate the mission and operation of RFE/RL, Inc., and to assess the quality, effectiveness, and professional integrity of its broadcasting within the broad foreign policy objectives of the United States;

(3) To encourage the most efficient utilization of available resources by RFE/RL, Inc., and to undertake, or request that RFE/RL, Inc. undertake, such studies as may be necessary to identify areas in which the operations of RFE/RL, Inc. may be made more efficient and economical;

(4) To develop and apply such financial procedures, and to make such au-

ditions of RFE/RL, Inc., as the Board may determine are necessary, to assure that grants are applied in accordance with the purposes for which such grants are provided;

(5) To develop and apply such evaluative procedures as the Board may determine are necessary to assure that grants are applied in a manner not inconsistent with the broad foreign policy objectives of the U.S. Government; and

(6) To prescribe such regulations as the Board deems necessary to govern the manner in which its functions shall be carried out.

(c) In carrying out the foregoing functions, the Board will respect the integrity and professional independence of RFE/RL, Inc.

### § 1300.2 Organization of the Board for International Broadcasting.

(a) The Board for International Broadcasting is composed of ten members, one of whom—the President and Chief Operating Executive of RFE/RL, Inc.—is an ex officio member. As such, the President of RFE/RL, Inc. may participate in the activities of the Board, but may not vote in the determinations of the Board.

(b) The President of the United States appoints, by and with the advice and consent of the Senate, nine voting members, one of whom he designates as Chairman. By law, the Board's membership must be bipartisan, with no more than five seats reserved for any one political party. The voting members are appointed for a term of three years. A member whose term has expired may continue to serve until his or her successor has been appointed and confirmed.

(c) The nine voting members and the ex officio member of the BIB serve concurrently as the Board of Directors of RFE/RL, Inc. Unless specifically noted otherwise, all meetings of the Board are considered joint meetings of the Board for International Broadcasting and of the Board of Directors of RFE/RL, Inc. The Board of Directors make all major policy determinations governing the operation of RFE/RL, Inc., and appoints and fixes the compensation of managerial officers and employees of RFE/RL, Inc.

(d) The Chairman of the Board, or his designee, shall:

(1) Call and preside at all meetings of the Board;

(2) Appoint standing or ad hoc committees of the Board;

(3) Direct the work of the BIB professional staff, evaluate the performance of the Executive Director, and review the performance of the senior officers;

(4) Represent the Board in all matters pertaining to the U.S. Congress;

(5) Represent the Board in all matters requiring conferences or communications with officers, departments, or agencies of the U.S. Government and foreign governments.

(e)(1) The Board, unless it votes otherwise, shall hold formal meetings no fewer than three times in a calendar year. Two of these meetings normally will be held in the United States; and one in Europe in connection with the annual meeting of the Corporation.

(2) Five voting members constitute a quorum for the conduct of business. Actions of the Board shall be taken by a vote of at least five of the voting members. Members absent from a meeting may register their agreement or disagreement with the Board decisions in writing or by telephone to be included in the minutes of the meeting. The Chairman may, from time to time as events may require, solicit Board approval of decisions by telephone in the absence of a regularly scheduled meeting.

(3) The BIB staff, under the direction of the Executive Director, shall be responsible for preparing for the Board meetings in the United States, including notification of members, physical arrangements, preparation of briefing books and a written agenda. The President of RFE/RL, Inc., coordinates the preparation of the European meeting of the Board, which normally is held at RFE/RL's Munich headquarters.

(4) While attending meetings of the Board or engaged in activities directly related to the BIB or RFE/RL, Inc., the voting members of the Board are entitled to receive compensation equal to the daily equivalent of that prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from home on BIB business, members are entitled to

travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service who are employed intermittently.

(f) Committees of the Board meet periodically during the year. Agendas for these meetings are prepared with the assistance of the BIB staff.

### § 1300.3 Staff of the Board.

(a) The Board appoints staff personnel according to provisions of title 5, United States Code, governing appointments in the competitive service.

(b) The staff members are career Federal employees. The office is headed by an Executive Director; he is assisted by a Deputy Executive Director. Other senior officers include, but are not limited to, a Director of Financial and Congressional Affairs and a General Counsel.

(c) The Chairman of the Board may delegate authority to his staff, through the Executive Director, to act on matters which do not require the formal action of the Board. The BIB staff reports to and coordinates its activities with the Chairman on a regular basis.

(d) With the approval of the Chairman, the senior staff conducts regular reviews of RFE/RL programming, research, administration, finance, and engineering work. The BIB staff commissions outside independent evaluations of RFE/RL programming and other functional areas as required. It communicates the results of these evaluations to the Board members and the President of RFE/RL, Inc. At least once a year, the staff commissions and outside audit of RFE/RL finances.

(e) The BIB staff coordinates all contacts with the U.S. Congress, U.S. Government agencies, and foreign governments. Senior staff members maintain regular ties with Congressional staffers and with officers at the Department of State, United States Information Agency, Office of Management and Budget, the Federal Communications Commission, and other government agencies. When serious issues arise, the staff refers them to the Chairman, who consults with the Board as appropriate.

(f) The duties of each staff member are described in a position description

which is maintained on file in the Board's offices.

#### **§ 1300.4 Annual Report.**

The BIB publishes an annual report, submitted to the President and the Congress, on or before the 31st day of January, that summarizes the activities of the Board during the fiscal year ending the preceding September 30th and reviews and evaluates the operation of RFE/RL, Inc.

#### **§ 1300.5 RFE/RL, Inc. and U.S. Foreign Policy objectives.**

(a) The Board shall develop and apply such evaluative procedures as necessary to ensure that RFE/RL's programming and operations are not inconsistent with the broad foreign policy objectives of the United States.

(b) To assist the Board in carrying out its functions, the Secretary of State or his designee shall provide the Board with such information regarding the foreign policy of the United States as he deems appropriate. The Secretary or his designee shall report regularly to the Board on the impact of broadcasts by RFE/RL, Inc. in Eastern Europe and the Soviet Union. The BIB shall convey this information to the President of RFE/RL. The management of RFE/RL, Inc. is expected to take appropriate action based on this information. The BIB shall not impose any prior constraint on programming, the preparation of broadcast materials, or the manner in which those materials are broadcast by RFE/RL.

(c) RFE/RL, Inc. shall maintain regular liaison with the U.S. Consulate in Munich for the discussion of developments in Eastern Europe and the Soviet Union. To the extent that important policy issues arise during these discussions, they shall be brought to the attention of the BIB.

(d) Although RFE/RL, Inc. may maintain informal contacts with the U.S. missions in Europe and elsewhere, it is to remain an independent journalistic organization. RFE/RL, Inc. does not speak on behalf of the U.S. Government.

#### **§ 1300.6 The RFE/RL professional code.**

(a) The Board of RFE/RL, Inc. is required by the BIB to prepare the RFE/

RL Code: a statement defining the mission of RFE/RL and setting forth its policy guidelines. It is distributed publicly and is reprinted in the Annual Report.

(b) RFE/RL management is required by the BIB to be responsible for assuring compliance of its operations with the policy guidelines and shall promptly inform the BIB of any violations of the policy guidelines, and of the remedial actions it has taken.

(c) This code shall serve as the basic framework for all evaluations of RFE/RL programming. The BIB shall commission reviews of programs by noted scholars and journalists in the United States and Western Europe; RFE/RL shall conduct regular program reviews in-house. There shall be written reports of all evaluations which specify how programs conform to the guidelines set forth in the Code.

(d) After approval by the BIB, this code is incorporated by reference in these regulations as if fully set out herein.

#### **§ 1300.7 Personnel.**

(a) RFE/RL Inc. shall be solely responsible for the appointment, assignment, promotion, and separation of its employees, and such personnel actions, with the exceptions noted in paragraphs (b) (1) and (2) of this section, shall not require the concurrence of the BIB.

(b)(1) The President of RFE/RL shall inform the Chairman of the BIB of his intention to appoint or terminate the employment of senior executives. The positions are: Executive Vice President for Programs and Policy, the Directors of RFE and RL, the Vice Presidents for Finance, Management, and Engineering; the Directors of Information Systems, Corporate Affairs, Central News, RFE Research, RL Research, Broadcast Analysis, Soviet Area Audience and Opinion Research, East European Audience and Opinion Research, and the major language services.

(2) Appointments to the above-named positions require concurrence of the Board (except in the case of acting appointments) which shall have the opportunity to review the qualifications of the candidates and to interview them in person. Major changes in the

functions of these positions or the establishment of new positions at comparable levels of responsibility, also require concurrence of the Board.

(3) All personnel actions of RFE/RL, Inc., shall be in accordance with pertinent laws prohibiting discrimination on the basis of race, color, sex, age, religion, or national origin.

(c) On or before January 1st each year, RFE/RL shall make available for examination by the BIB a complete roster of all personnel employed by RFE/RL, stating position, title, grade level, citizenship, date of birth, date of hire, and total remuneration, including all allowances and special benefits. For foreign locations, the report shall provide current information about appropriate local currencies, with dollar equivalents calculated at the established exchange rates.

(d) RFE/RL shall make available to the BIB copies of any documents of a substantive policy nature issued to management, employees, and outside organizations, as well as general announcements to employees by labor unions, works councils, and other employee organizations. RFE/RL shall also make available to the BIB copies of all union contracts.

**§ 1300.8 Research reports.**

The BIB may direct RFE/RL to undertake such studies as in the judgment of the BIB may identify areas where operations may be made more efficient and economical.

**§ 1300.9 Budget development and execution.**

(a) Sixteen months preceding the beginning of the fiscal year to which the budget applies (for example, by June 1, 1989 for the FY 1991 budget), RFE/RL shall propose to the BIB the financial assumptions to be used in determining the base budget level and highlight desired enhancements or reductions. This proposal should be in writing, followed by a verbal discussion at the staff level. The Chairman's approval is required of the financial assumptions and any proposed enhancements or reductions.

(b) The budget presentation specified in paragraph (a) of this section shall be consistent with guidelines presented to

RFE/RL by the BIB, based on the ceiling established by the Office of Management and Budget (OMB).

(c) Based on the BIB guidelines, the OMB ceiling, and the budget decisions resulting from the presentation specified in paragraph (a) of this section RFE/RL shall submit to the BIB a formal budget request no later than August 1 of each year, and the BIB shall arrange for RFE/RL to present its budget to the Chairman and to members of the BIB, as appropriate. Final decisions by the Board shall be communicated to RFE/RL which shall revise the budget request accordingly.

(d) The BIB shall present the budget to OMB for approval and subsequently to the authorization and appropriations committees of Congress. In making such presentations, representatives of the BIB will be accompanied when feasible by the President of RFE/RL or his designee, and any additional RFE/RL staff as requested.

(e) Expenditures during a fiscal year by RFE/RL shall correspond to the final budget as approved by the Congress. On or before October 1 of each year, RFE/RL shall submit to BIB a fiscal year financial plan which provides on a monthly basis projected expenditures by object class for each of its programs and activities.

(1) For each object class line item of more than \$250,000 in RFE/RL's financial plan, any reprogramming of funds in excess of \$250,000, or 10% of the budgeted amount for that item, whichever is less, shall require prior approval of the BIB. In this event, RFE/RL shall submit a request for reprogramming authority or a plan for offsetting the deviation in succeeding fiscal quarters.

(2) Quarterly financial reports to the BIB shall indicate all object class line item expenditures which deviated from the budgeted amount by more than \$250,000 or 10% of the budgeted amount, whichever is less, and will include an explanation for the deviations.

**§ 1300.10 Financial oversight.**

(a) BIB shall grant funds to RFE/RL to support international radio broadcasting activities, and all expenditures by RFE/RL under such grants shall be made in accordance with appropriate requirements of Office of Management

and Budget Circulars No. A-110 and A-122.

(b) RFE/RL shall adhere to sound accounting practices and shall maintain records fully disclosing the amount and disposition of funds granted by the BIB, including the total costs of RFE/RL programs for which grants are provided, and that portion of its expenditures supported by other sources of funds. RFE/RL will keep all financial records required by the BIB and will also submit periodic reports on the expenditures of funds, as requested.

(c) RFE/RL shall submit to the BIB copies of draft proposals for capital expenditures, consultant or professional services, or lease arrangements in all cases where the following criteria apply:

(1) When a given contract or proposal for a capital expenditure exceeds \$100,000 in any fiscal year; or when any proposed lease arrangement for business premises, in the United States or overseas, will last for a period of more than two years or at an annual rental exceeding \$100,000.

(2) When any individual solicitation by RFE/RL of consultant or professional services, and draft contracts for such services, including legal, actuarial and other noneditorial services with any person or organization exceed \$50,000 in any single fiscal year.

(d)(1) No contract described in subparagraphs (c) (1) and (2) of this section shall be entered into by RFE/RL without prior written approval of the BIB.

(2) The dollar limitations in subparagraphs (c) (1) and (2) of this section may be revised periodically by BIB.

(e) Reports on the management of foreign currency shall be governed by special agreement between the Board and the Office of Management and Budget, and RFE/RL shall comply fully and promptly with all requirements of such agreement.

(f) Copies of all annual, quarterly, monthly or other periodic financial report, projection, statement or audit prepared by or on behalf of RFE/RL shall be made available to BIB upon issuance.

(g) RFE/RL shall make available for public inspection during normal business hours at its principal offices in the United States, a complete list of every

person, organization, and government making a contribution to RFE/RL during the preceding fiscal year, the address of the person, organization, or government making the contribution, and the date the contribution was made.

(h) The Comptroller General of the United States or his representative shall have access for the purpose of audit and examination to any book, document, paper and record of RFE/RL.

#### **§ 1300.11 Procurement and ownership of equipment.**

The BIB is authorized under 22 U.S.C. 2872(c) to procure supplies, services and other personal property, including specialized electronic equipment. As appropriate, BIB will use its authority to purchase electronic equipment for RFE/RL, title to which shall remain with the United States Government.

#### **§ 1300.12 Assistance with Congressional inquiries.**

Upon request, RFE/RL management shall promptly provide the BIB with any information necessary for the BIB to respond satisfactorily to inquiries raised by committees of Congress or individual Members or their staffs.

#### **§ 1300.13 Access to information and premises.**

RFE/RL shall keep complete records, as prescribed by law and regulations, concerning its operations, including but not limited to information on corporate, financial, personnel, engineering, research, programming, and technical matters. Board members and senior staff shall have access to any information in the records of RFE/RL and access to RFE/RL premises or sites.

#### **§ 1300.14 RFE/RL organization.**

(a) RFE/RL management shall submit to the BIB any proposed major changes in the organization (as defined in paragraph (b) of this section) of offices, programs, or other activities. These changes shall be presented by the BIB to the OMB and the relevant Congressional Committees.

(b) Major organizational changes in RFE/RL shall include the addition or elimination of broadcast languages,

significant altering of broadcast transmitter time or power allocation among the languages, structural reorganization including the addition or elimination of departments, divisions, or functions and any substantial relocation of offices, broadcast services, or other significant activities.

**§1300.15 Government relations.**

(a) Relations with the Executive Branch, the Congress, and foreign governments arising under the Board for International Broadcasting Act are the primary responsibility of the BIB and shall be carried out by the BIB.

(b) The BIB recognizes that in the normal course of business RFE/RL management will have contacts with members and staff of Congress, officials of Federal agencies, U.S. diplomatic personnel overseas, and representatives of foreign governments in order to further the mission of RFE/RL. The BIB further recognizes that the operational requirements of RFE/RL, Inc., necessitate a close working relationship with various overseas governmental and private business organizations such as the German Bundespost and the Portuguese and Spanish PTTs. RFE/RL, Inc., shall keep the Chairman of the Board and the Executive Director of BIB apprised of any such contacts that may affect the interests of the United States Government.

(c) Nothing herein shall be construed to limit the normal exercise of professional duties by RFE/RL news, research, and program personnel. The BIB supports, and when requested shall attempt to facilitate, full and unimpeded access by such personnel to officials of the Executive Branch and the Congress for interviews, news conferences, background briefings, and all other legitimate journalistic purposes.

**§1300.16 Relations with Foreign Governments.**

Relationships with foreign governments or international organizations, except for routine daily operating matters, is reserved to the BIB.

**PART 1301—BOARD FOR INTERNATIONAL BROADCASTING—(PRIVACY ACT OF 1974)**

**Sec.**

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AUTHORITY: 5 U.S.C. 552a; Pub. L. 93-579.

SOURCE: 41 FR 10413, Mar. 11, 1976, unless otherwise noted. Redesignated at 45 FR 17137, Mar. 18, 1980.

**§1301.1 Purpose and scope.**

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Board for International Broadcasting (hereafter known as the Board) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

**§1301.2 Definitions.**

For the purpose of these regulations—

(a) The term *individual* means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term *maintain* includes maintain, collect, use or disseminate;

(c) The term *record* means any item, collection or grouping of information